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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194705
Party	Defendant Eilandt, Svenja, Eilandt, Arne
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Date	10/06/2010
Attachments	TTAB Proceeding 91194705 - Answer to Notice of Opposition.pdf ( 5 pages ) (47231 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re:           Application Serial No. 77/524,371  
Filed:           June 17, 2008  
Mark:           ERO SEXIN  
Applicants:     Arne Eilandt, Svenja Eilandt

GROUP KAITU, LLC,

Opposer,

v.

ARNE EILANDT  
and  
SVENJA EILANDT

Applicants.

Proceeding No.: 91194705

Box TTAB (NO FEE)  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Arne Eilandt and Svenja Eilandt, individuals of German citizenship, both having an address at Landstrasse 31, 38667 Bad Harzburg, Germany, the Joint Applicants for U.S. Trademark Application Serial No. 77/524,371 for the trademark ERO SEXIN (hereinafter "Applicants" or "the Eilandt's"), hereby provide their Answer to the Notice of Opposition and response to the grounds of opposition alleged by Group Kaitu, LLC, (hereinafter "Opposer" or "Group Kaitu"), as follows.

Applicants generally deny all the averments of the Notice of Opposition except such designated averments or paragraphs as Applicants expressly admit in this Answer:

1. Answering paragraph 1 of the Notice of Opposition, Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein and therefore deny the same.

2. Answering paragraph 2 of the Notice of Opposition, Applicants admit the allegations contained therein.

3. Answering paragraph 3 of the Notice of Opposition, Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein and therefore deny the same.

4. Answering paragraph 4 of the Notice of Opposition, Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein and therefore deny the same.

5. Answering paragraph 5 of the Notice of Opposition, Applicants admit the allegations contained therein.

6. Answering paragraph 6 of the Notice of Opposition, Applicants deny the allegations contained therein.

7. Answering paragraph 7 of the Notice of Opposition, Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein and therefore deny the same.

8. Answering paragraph 8 of the Notice of Opposition, Applicants deny the allegations contained therein.

9. Answering paragraph 9 of the Notice of Opposition, Applicants deny the allegations contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicants deny the allegations contained therein.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Petitioner has failed to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Petitioner has no standing to assert the claims set forth in the Notice of Opposition.

**THIRD AFFIRMATIVE DEFENSE**

Petitioner's claim is precluded by the Doctrine of Estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

Petitioner's claim is precluded by the Doctrine of Acquiescence.

**FIFTH AFFIRMATIVE DEFENSE**

Petitioner's claim is precluded by the Doctrine of Laches.

**SIXTH AFFIRMATIVE DEFENSE**

Petitioner's claim is precluded by the Doctrine of Unclean Hands.

**SEVENTH AFFIRMATIVE DEFENSE**

Petitioner's claim is precluded by the Doctrine of Waiver.

**EIGHTH AFFIRMATIVE DEFENSE**

Petitioner has not, and will not, be damaged by the registration of Applicants' ERO SEXIN trademark.

WHEREFORE, Applicants submit that, in view of the foregoing, the Notice of Opposition should be dismissed, and that the subject application be granted registration and for such other and further relief as may be appropriate.

Respectfully Submitted,

Date: October 6, 2010



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**CERTIFICATE OF SERVICE**

I certify that on October 6, 2010, I caused a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be electronically transmitted, by mutual agreement, to each of the attorneys for Opposer at the attorneys' e-mail addresses of record:  
[dsensenig@gavinlawoffices.com](mailto:dsensenig@gavinlawoffices.com) and [aisabell@gavinlawoffices.com](mailto:aisabell@gavinlawoffices.com).



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